THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.25588 of 2006

Date:30.04.2007

Between:

M/s.Sri Ganesh Sainadha Granites.

PETITIONER

AND

The District Forest Officer and others.

---------RESPONDENTS

ORDER:

The petitioner was granted mining lease over an extent of Hec.3.00 of land in Sy.No.37 of Regulapadu Village, Addateegala Mandal, East Godavari District for a period of twenty years, commencing from 10.02.2006. It is alleged that when the mining operations were commenced in the land, the officials of the Forest Department have obstructed the same alleging that the land, which is leased to the petitioner, is within the reserve forest. The petitioner submits that before the lease was granted to it, thorough verification was undertaken by the Departments of Mines & Geology and Revenue and there is absolutely no justification for the respondents in interfering with the mining operations.

On behalf of the respondents, a counter-affidavit is filed stating that the petitioner is encroaching into the forest land under the guise of mining lease granted to it, and the acts of such encroachments were prevented by the officials of the Forest Department.

Heard the learned counsel for the petitioner and the learned Government Pleader for Forests.

It is no doubt true that the petitioner was granted mining lease over the Government land. This, *inter alia*, precedes certification by the Revenue Department and verification by the Mining Department. Where, however, it is claimed that the land is reserve forest, either no objection has to be obtained from the Forest Department or a joint survey with the participation of both the Departments has to take place. Till such steps are taken, the objections raised by the Forest Department cannot be said to be unjustified.

On behalf of the respondents, it is contended that recently a survey has been conducted, which revealed that the land leased to the petitioner is part of reserve forest. The learned counsel for the petitioner seriously disputes this.

This Court cannot undertake adjudication into such serious disputed questions of fact.

Hence, the writ petition is disposed of, leaving it open to the petitioner to apply to the District Authorities of the Revenue and Forest Departments, for conducting a joint survey. As and when such application is made, the survey shall be conducted within two months from the date of presentation of the same. The petitioner shall abide by the outcome of such survey. There shall be no order as to costs.

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30.04.2007

kdl